



## UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 29 2005

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MAR 29 2005

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OFFICE OF THE DIRECTOR  
TC 3600

In re application of : DECISION ON RENEWED  
Daniel R. Swanson : PETITION TO MAKE  
Application No. 10/774,093 : SPECIAL (ACCELERATED  
Filed: February 6, 2004 : EXAMINATION)  
For: SYSTEM AND METHOD OF USING RFID  
DEVICES TO ANALYZE CUSTOMER TRAFFIC  
PATTERNS IN ORDER TO IMPROVE A  
MERCHANT'S LAYOUT

This is in response to the renewed petition filed on March 15, 2005 to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02 VIII.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

The original petition of February 06, 2004 was dismissed on March 15, 2005 for failing to satisfy conditions (B), (D) and (E) above. The renewed petition satisfies the above deficiencies.

Since all of the requirements for special status under MPEP § 708.02 VIII have now been met, the petition is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt *bona fide* effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

**SUMMARY:** Petition to Make Special GRANTED.



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KJD/pav: 03/24/05